

REMARKS

Claims 21 through 26 are currently pending and claims 1 through 20 have been canceled. No new matter has been introduced into the claims. Claims 21 through 26 are directed to a method of using the present invention which includes all of the elements of previously presented claims 5 through 10. Support for the method claims is found on page 5, lines 9 through 36 of the specification.

Applicants respectfully disagree with the Examiner and traverse the rejections with the following remarks.

Restriction Requirement and Rejection under 35 U.S.C. § 112

The Examiner withdrew claims 19 and 20 from consideration upon applying a restriction requirement. The Examiner also rejected claim 12 under 35 U.S.C. § 112, second paragraph. The Examiner's restriction and rejection are now moot as the claims have been canceled.

Rejection under 35 U.S.C. § 103

Although the Examiner's rejections under 35 U.S.C. § 103 are now moot due to Applicants' cancellation of all prior pending claims, Applicants respectfully disagree with the Examiner's position that the invention is obvious in view of a combination of Lapre, Takahashi, Sorensen, and Knight.

The Examiner misstates the teachings in Lapre, that a water-soluble polysaccharide may be used as a coating. Lapre teaches that the polysaccharides used in the coating are preferably insoluble (see Col. 8, lines 8 – 11). This is achieved by a chemical reaction between the polysaccharides and a cation, preferably calcium or magnesium, so that the polysaccharides are cross-linked (see Col. 8, lines 1 – 7) to form a coating around a carbohydrate core. Therefore, the polysaccharides cannot be used until they are converted to a form which is insoluble. Lapre cannot use a water-soluble polysaccharide to form a coated food. This is distinguished from Applicants' invention that claims a process of using water-soluble polysaccharides. Such use by Lapre would make the coating inoperable because the polysaccharides would wash off of the carbohydrate core.

Regarding the Takahashi reference, the only document on record is a Japanese Abstract translated into English. The Examiner refers to several paragraphs in Takahashi on page 5 of the Office Action; however, the Examiner has not provided any translation of the reference. Applicants refer the Examiner to US Patent 6,632,469 which claims priority to the Japanese PCT Application that claims priority to the Takahashi reference. Paragraph 18 and 19 of US Patent 6,632,469 (see Col. 3, line 48 to Col. 4, line 10) describe the advantages of the invention which is a method of extracting pectin, not the advantages of the source. The advantages of the pectin from root vegetables are found in Column 4, lines 11 – 23. The advantages disclosed by Takahashi relate to the ability to stabilize a protein dispersion in a pH range above the isoelectric point. Acidic food proteins are defined in Column 4, lines 24 – 50. None of the foods listed are cereal products. Therefore, the Examiner has not provided any justification that would make it obvious to use potato-derived water-soluble polysaccharides with cooked rice, pasta, or noodles.

In further support that the invention is not obvious, Applicants submit the attached declaration under 37 CFR 1.132 by Akihiro Nakamura. The declaration demonstrates that potato-derived pectin has the unexpected ability of enhancing the loosening property of cooked pasta when compared to fruit-derived pectin. A person having ordinary skill in the art upon observing the poor results of commonly used fruit-derived pectin would not attempt, let alone expect, to find improved loosening properties when potato-derived pectin is used.

Finally, regarding the Sorensen and Knight reference, Applicants disagree with the Examiner's response on pages 8 and 9 of the Office Action. The Examiner fails to identify in any of the references a teaching of a correlation between the uronic acid content of the polysaccharides and the ability to enhance the loosening property of cooked rice, pasta, or noodles. Applicants do not dispute that the pectin content of different plants vary; however, the Examiner has not provided any justification as to why a person of ordinary skill in the art would want to vary the uronic acid content of a polysaccharide. Nothing in the prior art of record links the uronic acid content of a polysaccharide with any advantages.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the claims

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presented herewith are patentable over the prior art of record and in condition for allowance. Applicant respectfully solicits prompt action thereon. If any questions remain, the Examiner is invited to phone the undersigned attorney.

Respectfully submitted,

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